

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICTOR HERNANDEZ,)	No. C 08-1154 JF (PR)
)	
Petitioner,)	ORDER DENYING MOTION TO
)	PROCEED IN FORMA
vs.)	PAUPERIS AND TO PAY FILING
)	FEE WITHIN THIRTY DAYS
)	
JAMES YATES, Warden,)	
)	
Respondent.)	
_____)	(Docket No. 6)


Petitioner, a state prisoner proceeding pro se, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed a motion to proceed in forma pauperis. Petitioner's trust account statement reveals that for the six months preceding the filing of this action, Petitioner had average monthly deposits into his trust account of \$43.75 and an average monthly balance of \$58.33. This is sufficient to pay the \$5.00 habeas filing fee. Accordingly, Petitioner's motion to proceed in forma pauperis (docket no. 6) is DENIED. Petitioner shall pay the \$5.00 filing fee **within thirty (30) days** of the date this order is filed. Petitioner shall include with his payment a clear indication that it is for this case number, C 08-1154 JF (PR).

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1 Failure to pay the filing fee within **thirty days** of the date this order is filed shall result in
2 the dismissal of this action without prejudice for failure to pay the filing fee.

3 IT IS SO ORDERED.

4 Dated: 5/8/08


JEREMY FOGEL
United States District Judge